



Patent
Attorney's Docket No. 017753-122

412
5-3-01
P.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Marie-Paule KIENY et al.

Application No.: 09/462,993

Filed: April 17, 2000

For: ANTITUMORAL COMPOSITION
BASED ON IMMUNOGENIC
POLYPEPTIDE WITH
MODIFIED CELL LOCATION

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) Group Art Unit: 1632
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) Examiner: J. Voitach
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REPLY TO REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Official Action-[Requirement for Restriction] mailed March 29, 2001, Applicants respectfully elect Group I, i.e., claims 21-37 which are drawn to a polynucleotide comprising at least one recombinant vector including an immunogenic polypeptide modified by inserting a membrane anchoring sequence.

Applicants respectfully traverse the requirement for restriction and request that the Examiner also consider examining the Group III claims, i.e., claims 39-40 which are drawn to a method for the treatment of prevention of cancer or a tumor in a subject comprising administering a polynucleotide comprising at least one recombinant vector encoding the immunogenic polypeptide of the Group I claims.

Applicants believe that it would not place an undue burden on the Examiner to review both groups of claims at this time.

The Examiner has also indicated that the application contains claims directed to more than one species of the generic convention. The Examiner has requested that we identify one separate species of immunogenic peptide. Applicants would like to elect species E6 for purposes of the Examiner beginning the search. However, Applicants point out that it would be best to keep E6 and E7 together for purposes of search and examination since they refer broadly to the early E region.

If the Examiner has any questions concerning the subject application, a telephone call to Applicants' undersigned representative would be appreciated.

Search and examination of the Group I and Group III claims would be appreciated.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Teresa Stanek Rea
Registration No. 30,427

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(703) 836-6620

Date: April 30, 2001

AP/1632



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AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐ A Terminal Disclaimer and a check for ☐ \$55.00 (248) ☐ \$110.00 (148) to cover the requisite Government fee are also enclosed.

☐ Also enclosed is _____.

☐ Small entity status is hereby claimed.

☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$355.00 (279) ☐ \$710.00 (179) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) previously submitted ___, on ___, for which continued examination is requested.

☐ Applicant(s) request suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.

☒ No additional claim fee is required.

☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'T'L FEE
Total Claims		MINUS =		× \$18.00 (103) =	
Independent Claims		MINUS =		× \$80.00 (102) =	
If Amendment adds multiple dependent claims, add \$270.00 (104)					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					

☐ A claim fee in the amount of \$_____ is enclosed.

☐ Charge \$_____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R.

§§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:

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